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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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ANDREW LOPEZ,

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Plaintiff,

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v.

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M. LEE, et al.,

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Defendants.

Case No. 23-cv-03660-HSG**ORDER DENYING REQUEST FOR
CONTEMPT CITATION FOR INMATE
WINSON**

Re: Dkt. No. 79

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Plaintiff, an inmate currently housed at San Quentin State Prison, has filed a *pro se* civil rights action regarding events that occurred at Pelican Bay State Prison (“PBSP”), while he was previously housed there. The Court DENIES Defendants’ requests for a civil contempt citation against inmate Winson for the failure to comply with a deposition subpoena, and for the imposition of monetary sanctions against inmate Winson. Dkt. No. 79. Defendants state that inmate Winson did not appear at his September 11, 2025 deposition, and that custody staff informed defense counsel that inmate Winson refused to appear. Dkt. No. 79 at 8; Dkt. Nos. 79-2,79-3. Defendants ask the Court to issue a contempt citation against inmate Winson for failure to appear, and to impose monetary sanctions that would be lifted upon inmate Winson’s participation in his deposition. *See generally* Dkt. No. 79. On December 1, 2025, in correspondence dated November 23, 2025, inmate Winson informed the Court that he did not refuse to attend the deposition, and that at the date and time scheduled for the deposition, he informed custody staff that he was scheduled for a deposition and that custody staff informed him that they would check and then, three hours later, custody staff informed inmate Winson that the deposition had been cancelled. Dkt. No. 90. Inmate Winson also states that he called defense counsel on November 22, 2025, and was unable to reach her; and that he has made five calls to defense counsel, all of

1 which have gone unanswered. *Id.* Because it appears that inmate Winson is willing to appear for
2 a deposition, the Court DENIES the request for issuance of a contempt citation and imposition of
3 monetary sanctions. The Court presumes that Defendants have successfully deposed inmate
4 Winson as the December 5, 2025 deadline for deposing him has passed, and Defendants have not
5 sought further relief regarding the deposition. If Defendants have been unsuccessful in deposing
6 inmate Winson due to his refusal to sit for the deposition, Defendants may file a renewed motion
7 for a contempt citation and monetary sanctions.

8 This order terminates Dkt. No. 79.

9 **IT IS SO ORDERED.**

10 Dated: 12/12/2025

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12 HAYWOOD S. GILLIAM, JR.
13 United States District Judge